



# Suspension and Permanent Exclusion Policy – Part 2

---

Version	Publication Date	Document Title	Document Owner	Page Number
001	May 2022	Suspension and Permanent Exclusion Policy	Director of Learning Provision	Page 1 of 10

## **PART 2 – SCHOOLS**

### **1. INTRODUCTION**

William Howard School is part of the family of schools within Cumbria Education Trust and will adhere to Part 1 of this policy which forms part of the introduction.

When this policy talks about a ‘term’, we mean the autumn, spring or summer terms and the ‘academic year’ means our academic year beginning with the first day of school after 31 July and ending with the first day of school after the following 31 July.

When this policy talks about parents, we mean a child's birth parents or anyone who has parental responsibility (which includes the Local Authority where it has a care order in respect of the child) and any person (for example, a foster carer) with whom the child lives. Where practicable, our schools will ensure that all those with parental responsibility will be involved in the suspension or permanent exclusion process.

As a school we discharge our legal obligation to parents by recognising that obligations are to the ‘relevant person’ – a parent or the student, who is aged 18 or over.

This policy sets out our normal arrangements and procedures that must follow a decision to suspend or exclude permanently on disciplinary grounds and is in line with the 2017 statutory guidance [‘Exclusion from maintained schools, academies and pupil referral units in England’](#). It should be read in conjunction with the school’s Behaviour Policy which sets out in more detail the disciplinary grounds that may lead to suspension or permanent exclusion and others where relevant e.g. Single Equality Policy, Special Educational Needs and Disabilities Policy.

During a public health emergency like the coronavirus (COVID-19) pandemic which significantly impacts on the ability of our governing board/trustees to meet to discharge their legal duties regarding suspension or permanent suspension, an Addendum to this Suspension or Permanent Exclusion Policy may become necessary and we will follow relevant DfE statutory guidance in place at that time, for example, [Changes to the school exclusion process during the coronavirus \(COVID-19\) outbreak](#) to devise it. It will describe any temporary changes made to our school suspension or permanent exclusion process due to the public health emergency and must be read in conjunction with this policy.

### **2. WHAT IS SUSPENSION OR PERMANENT SUSPENSION?**

Suspension or permanent suspension are extremely serious disciplinary sanctions that can only be decided by the Headteacher. It means that a student is not allowed on the school premises for the duration of a suspension or permanently if subject to a permanent exclusion. If a student suspended from school is found in a public place during normal school hours during the first five school days of suspension, then a person with parental responsibility for them may be prosecuted or given a fixed penalty notice (a fine).

A student may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently and there are two types of actions which schools can take:

---

Version	Publication Date	Document Title	Document Owner	Page Number
001	May 2022	Suspension and Permanent Exclusion Policy	Director of Learning Provision	Page <b>2</b> of <b>10</b>

- Fixed-Term Suspension - when a student must not come to school for one or more fixed periods of time.
- Permanent exclusion - when a child is permanently excluded from school and not allowed to return.

### **3. REASONS FOR SUSPENSION OR PERMANENT SUSPENSION OR PERMANENT EXCLUSION**

The decision to suspend or permanently exclude a student will be taken in the following circumstances:

- In response to a serious breach of the school's Behaviour Policy.
- If allowing the student to remain in school would seriously harm the education or welfare of other people or the student themselves in the school.

For example, suspension or permanent exclusion could be used for any of the following, all of which constitute examples of unacceptable conduct (including outside of school), and are serious infringements of our Behaviour Policy:

- Verbal abuse to staff or other adults or to students
- Physical abuse to/attack on staff or other adults or students
- Indecent behaviour, sexual abuse, or sexual assault
- Damage to property
- Misuse of illegal or prescription drugs or other substances including the supply of an illegal or controlled substance
- Theft
- Serious actual or threatened violence against another student or a member of staff or of someone else who is part of the school community
- Carrying an offensive weapon
- Arson
- Unacceptable behaviour which has previously been reported and for which school sanctions and other interventions have not been successful in modifying the behaviour.

### **4. DECIDING TO SUSPEND OR PERMANENTLY EXCLUDE**

When we decide on any kind of suspension or permanent exclusion we will:

- take account of our legal duty of care when sending a student home following suspension or permanent exclusion;
- establish the facts in relation to the suspension or permanent exclusion decision according to the civil burden of proof i.e. on 'the balance of probabilities' (whether the breach more than likely did, than did not, happen) and not the criminal burden of proof, 'beyond reasonable doubt';
- take care in the process not to discriminate against, harass or victimise students because of: sex; race; disability; religion or belief; sexual orientation; pregnancy/maternity; or gender reassignment and make reasonable adjustments to ensure everyone can participate in the process, including where a difficulty may be due to English not being a parent's first language;

---

Version	Publication Date	Document Title	Document Owner	Page Number
001	May 2022	Suspension and Permanent Exclusion Policy	Director of Learning Provision	Page 3 of 10

- communicate without delay in person or by telephone in the first instance to give the parents an opportunity to ask any initial questions or raise concerns directly with the Headteacher;
- communicate decisions clearly and in writing with all due regard for necessary reasonable adjustments as above and by an appropriate method which might include text message, email, or notice given in person or sent home with the student or posted/hand delivered to the last known home address. If a notice is sent home with a student, we will consider the need to send a duplicate copy by an alternative method as well or take steps to confirm receipt of the notice;
- notify the governing body/board of trustees and Local Authority of any permanent exclusion, any suspension of more than 5 days or 10 lunchtimes in one term, and any suspension or permanent exclusion that means a student will miss a statutory examination or assessment (including the reason/s for and duration of the suspension or permanent exclusion);
- notify the Local Authority and governing body/board of trustees once per term of any other suspension or permanent exclusions not already notified;
- within 14 days of any request, provide the Secretary of State for education and (in the case of maintained schools and PRUs) the Local Authority, with information about any suspension or permanent exclusions within the last 12 months;
- in the case of a permanent exclusion where the student lives outside the Local Authority area in which our school is located, notify the student's 'home authority' of the permanent exclusion and reason(s) for it without delay so they can arrange to meet their legal duty to provide suitable full-time education.

## **5. THE SUSPENSION OR PERMANENT EXCLUSION PROCESS**

### **5.1 Fixed Term (temporary) Suspension**

A temporary/fixed term suspension is when a student is suspended from school for one or more fixed periods of time and must remain home. It can be for up to a maximum of 45 school days in a single academic year and does not have to be continuous periods.

A fixed period can also be for just parts of a school day. For example, if a student's behaviour at lunchtime is disruptive, they may be suspended from the school premises for the duration of the lunchtime period. Lunchtime suspension are counted as half a school day for statistical purposes and in determining whether a governing body meeting is triggered.

We aim to make a suspension the shortest time necessary to ensure minimal disruption to the child's education, whilst being mindful of the seriousness of the breach of policy.

A fixed-period suspension cannot be extended or converted to a permanent suspension. In exceptional cases, usually where further evidence has come to light, a further fixed-period suspension may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the fixed period.

When we decide on a fixed term suspension we will:

- inform parents explaining the reasons for the suspension and how long it will last;
- provide resources/activities for the student for the first 5 days of the suspension;

---

Version	Publication Date	Document Title	Document Owner	Page Number
001	May 2022	Suspension and Permanent Exclusion Policy	Director of Learning Provision	Page 4 of 10

- make arrangements for alternative education for a student from the 6th day if the suspension is for more than 5 days (or consecutive shorter fixed-period suspensions accumulate to more than 5 days) and we will include the following information (if we can find it out in within the timescales):
  - the start date for any provision of full-time education that has been arranged;
  - the start and finish times, including the times for morning and afternoon sessions if relevant;
  - the address at which the provision will take place; and
  - any information required by the student to identify the person they should report to on the first day.

We will not take this step regarding a fixed period suspension or permanent exclusion only when a student is in their final year of compulsory education and does not have any further public examinations to sit.

- explain that during the first 5 days of any suspension, the student must not be in a public place during school hours and that parents are responsible for the whereabouts of the student because a parent who fails to comply with this duty without reasonable justification will be committing an offence and may be given a fixed penalty notice or be prosecuted;
- arrange a re-integration meeting on the student's return to school where all those concerned can discuss the best way forward for the student;
- ensure parents know about their right to make representations about the suspension to the governing body/trustees, how representations should be made and, where there is the legal right to meet with the governing body/trustees to have them consider the suspension, to be represented at that meeting (at their own expense) and to bring a friend. See [Section 7](#) for more information about the role of governors/trustees and this process.
- provide information about relevant sources of free and impartial information including:
  - a link to this statutory guidance on suspension [www.gov.uk/government/publications/school-exclusion](http://www.gov.uk/government/publications/school-exclusion);
  - a link to sources of impartial advice for parents such as the Coram Children's Legal Centre ([www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)), or ACE Education ([www.aceed.org.uk](http://www.aceed.org.uk)) and their advice line service on 03000 115 142 on Monday to Wednesday from 10 am to 1 pm during term time); and
  - where relevant, links to local services, such as Traveller Education Services, the Information Advice & Support Services Network (formerly known as the local parent partnership) (<https://councilfordisabledchildren.org.uk/information-advice-and-support-servicesnetwork/about>) the National Autistic Society (NAS) School Suspension or Permanent Exclusion Service (England) (0808 800 4002 or [exclusions@nas.org.uk](mailto:exclusions@nas.org.uk)), or Independent Parental Special Education Advice ([www.ipsea.org.uk](http://www.ipsea.org.uk)).

If we can't provide any of the information, we need to consider alternative education in the timescales, we will provide a subsequent notice later, without delay and no later than 48 hours before the provision is due to start. The only exception to this is where alternative provision is to be provided before the 6th day of a suspension, in which case the information can be provided with less than 48 hours' notice with parents' consent.

---

Version	Publication Date	Document Title	Document Owner	Page Number
001	May 2022	Suspension and Permanent Exclusion Policy	Director of Learning Provision	Page 5 of 10

We understand how important it is to write legally correct letters about suspension or permanent exclusion and the process so we will use templates provided or recommended to us by our Local Authority.

## **5.2 Permanent exclusion**

A permanent exclusion is when a child is permanently excluded from school and not allowed to return. This is a very serious outcome and decision, and the Headteacher will consult with senior leaders and the chair of the governing body/board of trustees as soon as possible in such a case.

We will follow the same procedure to decide on and initiate a permanent exclusion as for a fixed term suspension (including using appropriate template letters from our Local Authority), but where a child is not returning to our school, we will not arrange alternative education and instead will take steps to initiate an assessment of the student by the Local Authority responsible for their continuing education (from the 6<sup>th</sup> day after permanent exclusion), so that a long-term re-integration plan for a new placement can be put in place. We will also draw attention to a student's statement of SEND if they have one because the Local Authority must ensure that an appropriate full-time placement is identified in consultation with the parents, who retain their rights to express a preference for a school that they wish their child to attend, or make representations for a placement in any other school.

The Local Advisory Board will meet to decide whether to reinstate a student and if the Headteachers' decision to exclude was justified based on the evidence.

Parents and the student will have an opportunity to present their point of view, regarding permanent exclusion and governors will either uphold the permanent exclusion or reinstate the student.

If the permanent exclusion is upheld by the Local Advisory Board, parents have the right to appeal to an Independent Review Panel. This panel must be arranged within 15 days of the permanent exclusion (or for suspension over 15 days) and will be at a time and date convenient to all parties. Parents can ask the Academy to ask a Local Authority representative to attend but the Local Advisory Board will decide whether they can make comment or just observe.

Where possible, written evidence including other relevant information should be circulated to all parties of an Independent Review Panel at least 5 days in advance of the meeting. See [Section 7](#) for more information about the role of governors/trustees and this process.

## **6. SUSPENSION OR PERMANENT EXCLUSION OF A CHILD WHO HAS SPECIAL EDUCATIONAL NEEDS**

There are certain factors that every school needs to take into consideration for children who display disruptive behaviour that is as a result of their Special Educational Need or Disabilities (SEND) so we will take steps to:

- engage proactively with parents in supporting the behaviour of students with additional needs;
- provide early intervention to address underlying causes of disruptive behaviour including an assessment of whether appropriate provision is in place to support any SEN or disability that a student may have;
- consider the use of a multi-agency assessment for students who demonstrate persistent disruptive behaviour;

---

Version	Publication Date	Document Title	Document Owner	Page Number
001	May 2022	Suspension and Permanent Exclusion Policy	Director of Learning Provision	Page 6 of 10

- take account of our statutory duties in relation to SEND when administering the suspension or permanent exclusion process including having regard to the SEND Code of Practice;
- where we have concerns about the behaviour, or risk of suspension or permanent exclusion, of a child with additional needs, a student with a statement of SEN or looked after child, in partnership with others (including the Local Authority as necessary) consider what additional support or alternative placement may be required.

Ultimately, the decision to suspend or exclude a student must be lawful, reasonable, and fair, in particular considering our statutory duty under the Equality Act 2010 not to discriminate against students on the basis of protected characteristics, such as disability.

## **7. THE ROLE OF LOCAL ADVISORY BOARD MEMBERS**

The Local Advisory Board has a duty to consider parents' representations about a suspension or permanent exclusion and must consider the reinstatement of a suspended or excluded student within 15 school days of receiving notice of the suspension or permanent exclusion if:

- It is a permanent exclusion;
- It is a fixed period suspension which would bring the student's total number of school days of suspension to more than 15 in a term; or
- It would result in a student missing a public examination or national curriculum test.

If a student would be excluded from school for more than 5 school days, but not more than 15, in a single term, and requested to do so by the parents, the Local Advisory Board must consider the reinstatement of an excluded student within 50 school days of receiving notice of the suspension or permanent exclusion.

In the case of a fixed period suspension which does not bring the student's total number of days of suspension to more than five in a term, the Local Advisory Board must consider any representations made by parents, but it cannot direct reinstatement as it does not have the power to overturn the Headteacher's decision and is not required to arrange a meeting with parents. In this case Local Advisory Board will consider whether it would be appropriate to place a note of their findings on the student's educational record.

Suspended or excluded students will be enabled and encouraged to participate at all stages of the suspension or permanent exclusion process, considering their age and understanding.

Following their consideration, Local Advisory Board may (where applicable):

- uphold a suspension or permanent exclusion; or
- direct reinstatement of the student immediately or on a particular date.

Where reinstatement is not practical because for example, the student has already returned to school following the expiry of a fixed period suspension or the parents make clear they do not want their child reinstated, the Local Advisory Board must, in any event, consider whether the Headteacher's decision to exclude the child was justified based on the evidence.

---

Version	Publication Date	Document Title	Document Owner	Page Number
001	May 2022	Suspension and Permanent Exclusion Policy	Director of Learning Provision	Page 7 of 10

In reaching a decision on whether to reinstate a student or not, the Local Advisory Board will consider whether the decision to suspend or exclude the student was lawful, reasonable, and procedurally fair, taking account of the Headteacher's legal duties.

In the case of a permanent exclusion, parents have the right to ask for the decision to be reviewed by an Independent Review Panel which will not include representatives from the Local Advisory Board.

## **8. WHAT IS AN INDEPENDENT REVIEW PANEL?**

If applied for by parents within the legal time frame, the Academy Trust will, at their own expense, arrange for an Independent Review Panel hearing to review the decision of the Local Advisory Board not to reinstate a permanently excluded student.

The legal time frame for an application is:

- within 15 school days of notice being given to the parents by the Local Advisory Board of their decision to uphold a permanent exclusion; or
- where an application has not been made within this time frame, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 in relation to the permanent exclusion.

If requested by parents in their application for an Independent Review Panel, the Local Advisory Board must appoint a SEND expert to attend the panel and cover the associated costs of this appointment. The SEND expert's role is like that of an expert witness, providing impartial advice to the panel on how special educational needs might be relevant to the suspension or permanent exclusion, for example, whether the school acted reasonably in relation to its legal duties when excluding the student.

Parents have a right to request the attendance of a SEND expert at a review, regardless of whether the school recognises that their child has SEND.

The role of the panel is to review the Local Advisory Board decision not to reinstate a permanently excluded student.

In reviewing the decision, the panel must consider the interests and circumstances of the excluded student, including the circumstances in which the student was excluded, and have regard to the interests of other students and people working at the school. The panel must also apply the civil standard of proof rather than the criminal standard.

Following its review, the panel can decide to:

- uphold the permanent exclusion decision;
- recommend that the Local Advisory Board reconsiders their decision; or
- quash the decision and direct that the Local Advisory Board considers the permanent exclusion again.

An independent review panel does not have the power to direct a Local Advisory Board to re-instate an excluded student. However, where a panel decides that a Local Advisory Board's decision is flawed when considered in the light of the principles applicable on an application for judicial review, it can direct a Local Advisory Board to reconsider its decision.

---

Version	Publication Date	Document Title	Document Owner	Page Number
001	May 2022	Suspension and Permanent Exclusion Policy	Director of Learning Provision	Page <b>8</b> of <b>10</b>

## **9. MARKING ATTENDANCE REGISTERS FOLLOWING SUSPENSION OR PERMANENT EXCLUSION**

When a student is suspended or has been permanently excluded, they will be marked as absent using Code E. Where alternative provision is made, and students attend it, they will be marked using either code B (education off site) or code D (dual registration).

---

Version	Publication Date	Document Title	Document Owner	Page Number
001	May 2022	Suspension and Permanent Exclusion Policy	Director of Learning Provision	Page 9 of 10

**DOCUMENT CONTROL – RECORD OF CHANGES**

<b>Version Number:</b>	<b>Publication Date:</b>	<b>Nature of, and Reason for, Change(s)</b>
001	May 2022	Original

---

<b>Version</b>	<b>Publication Date</b>	<b>Document Title</b>	<b>Document Owner</b>	<b>Page Number</b>
001	May 2022	Suspension and Permanent Exclusion Policy	Director of Learning Provision	Page <b>10</b> of <b>10</b>